

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

OCT 10 2019

for the
Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

- 01 Oscar Antonio FLORES-ARRIAGA YOB: 1983 USC

- 02 Jose Ventura DE LEON-FUENTES YOB: 1974

Mexican National

Defendant

Case No. M-19-2459-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

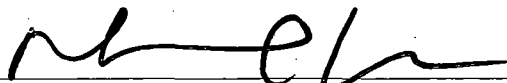
On or about the date of 10/09/2019 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18 U. S. C. § 924(a)(1)(A) and 2(a), an offense described as follows:

Whoever, knowingly makes any false statement or representation with respect to the information required to be kept in the records of a federal firearms licensee.

Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.

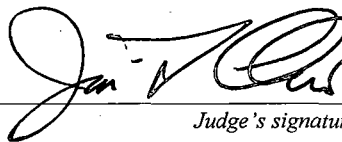
Complainant's signature

Approved by AUSA Amy Greenbaum 10/10/19
Amy Greenbaum

Michael Cardenas, ATF Senior Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/10/2019 - 8:55 a.m.

Judge's signature

City and state: McAllen, TX

Juan Alanis, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

This affidavit is in support of a criminal complaint charging Oscar Antonio FLORES-ARRIAGA (hereinafter referred to as "FLORES-ARRIAGA") and Jose Ventura DE LEON-FUENTES (hereinafter referred to as "DE LEON-FUENTES"), with the criminal violation set forth in Attachment A. The evidence available to me demonstrates that there is probable cause that DE LEON-FUENTES aided and abetted FLORES-ARRIAGA in violating Title 18 U.S.C. Section 924(a)(1)(A) which provides as follows: Whoever, knowingly makes any false statement or representation with respect to the information required to be kept in the records of a federal firearms licensee (FFL).

Further, the Affiant states as follows:

On or about October 9, 2019, ATF Agents, to include your affiant, and HSI Agents were conducting surveillance in the area of a Federal Firearms Licensee (FFL) located in Hidalgo County, Texas when agents observed FLORES-ARRIAGA and DE LEON-FUENTES exit the FFL. Agents observed FLORES-ARRIAGA walking out of the FFL with a brown paper bag and one rifle cardboard box. Agents observed DE LEON-FUENTES enter the driver's seat and FLORES-ARRIAGA enter the front passenger seat of a Mexican plated vehicle.

ATF/HSI agents maintained surveillance once DE LEON-FUENTES and FLORES-ARRIAGA departed from the FFL. Agents made consensual contact with FLORES-ARRIAGA and DE LEON-FUENTES when the vehicle driven by DE LEON-FUENTES parked at a residence in Mission, TX. Agents asked FLORES-ARRIAGA and DE LEON-FUENTES if they would be willing to consensually speak to Agents at the McAllen HSI Office to which both agreed.

Post Miranda interview of FLORES-ARRIAGA revealed that FLORES-ARRIAGA was recruited by DE LEON-FUENTES to purchase a Browning .380 pistol and one Browning .270 caliber bolt action rifle for DE LEON-FUENTES. FLORES-ARRIAGA stated that DE LEON-FUENTES provided him with the money to purchase both the firearms. ~~DE LEON-FUENTES~~ ^{FLORES-ARRIAGA (MC)} stated he was paid approximately \$200, for the purchase of both firearms, for his profit. FLORES-ARRIAGA admitted to making a false statement on ATF Form 4473 when he indicated that he was the actual purchaser when in fact, he was purchasing the firearms for DE LEON-FUENTES.

Post-Miranda interview of DE LEON-FUENTES revealed that DE LEON-FUENTES provided FLORES-ARRIAGA with the money to purchase both firearms. DE LEON-FUENTES stated that he provided FLORES-ARRIAGA with the money to purchase the firearms so both DE LEON-FUENTES and FLORES-ARRIAGA could go hunting at a later date. DE LEON-FUENTES stated he knew he could not purchase the firearms because he was a Mexican National and could not purchase firearms from an FFL.